

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

WYNNEWOOD REFINING CO. LLC,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. 22-1179

(consol. 22-1074)

NON-BINDING STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Clerk's Order dated August 4, 2022, Wynnewood Refining Company, LLC ("Wynnewood") submits its non-binding statement of issues to be raised.

1. Was the treatment of Wynnewood under Respondent United States Environmental Protection Agency's final action announced on June 3, 2022, notice of which was published in the federal register on June 8, 2022 (87 Fed. Red. 34,872) entitled "June 2022 Alternative RFS Compliance Demonstration Approach for Certain Small Refineries," EPA-420-R-22-012, arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law?

This is a preliminary listing of issues that Wynnewood reserves its right to modify or amend, as well as to raise these and other issues.

Dated: September 5, 2022

Respectfully submitted,

/s/ Samuel P. Hershey

WHITE & CASE LLP

Thomas E Lauria
Andrew K. Gershenfeld
200 South Biscayne Boulevard, Suite 4900
Miami, FL 33131
Telephone: (305) 371-2700
Email: tlauria@whitecase.com
Email: andrew.gershenfeld@whitecase.com

Samuel P. Hershey
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 819-2699
Email: sam.hershey@whitecase.com

Taylor Pullins
609 Main Street, Suite 2900
Houston, TX 77002
Telephone: (713) 859-5998
Email: taylor.pullins@whitecase.com

*Counsel for Petitioner Wynnewood Refining
Co., LLC*

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25(d), I hereby certify that on September 5, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: September 5, 2022

Respectfully submitted,

/s/ Andrew K. Gershenfeld

Andrew K. Gershenfeld